1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

471 421 the leaders of each, in turn, apportioned its share among the heads of families justly and equitably. Sections were also reserved for the maintenance of the chief and the temple staff, for war supplies and the payment of tribute; these were worked communally, with some amount, no doubt, of slave [428] labor. At the death of a tenant the land passed to his sons. If he died without issue the holding reverted to the clan for redivision, as was also the case if a tenant failed to cultivate his plot for a period of two years. Such a system could work equitably and profitably for all concerned so long as a society was relatively static and plenty of arable land was at hand. However, in the Valley of Mexico inequalities developed in the system.

174 The growing population of the Valley tribes used up all the available land, and families or clans had no way of adding to their farm holdings. A plot which produced ample supplies for a small family might yield a bare subsistence or less for a larger one. Normal variation in the richness of soil would result in similar injustices. Under such conditions the chiefs and priests who lived off the public lands would be far better off than the ordinary citizen whose holding, generation by generation, tended to diminish. Thus friction leading to foreign war and internal revolt was bound to result whenever a tribe could not expand its territorial limits to meet the needs of its population. The considerable mi- [161] grations, like those of the Culhuas to Texcoco and Tenochtitlan or the Mixtec people to Texcoco years earlier, had their basis in a pressing economic necessity.[3]

241 311 The Tenochcas, who came late to the Valley, at a time when land was at a premium, had, we have seen, a difficult time in withstanding their hungry neighbors. Forced to re-

1:Vaillant A-5 (1928-1936)1941 NU7 Astec NU7

achieved by the relatively unlimited possibilities of *chinampa* agriculture.

The Tenochcas supplemented their land hunger by another means. In conquered territories successful warriors received grants of land which were worked by members of the defeated tribe. Small colonies sometimes lived off this land to guard against revolt in the subjugated area. Such property passed from father to son, but if there were no heir it reverted to the tribal authority, not the clan in which the tenant had membership. Other such land must have been held for the benefit of the religious organization. Thus the central authority of Tenochtitlan, and presumably Texcoco as well, held considerable property to support the elaborate pomp of Church and State without straining the resources of the tribesmen. The relative fluidity of such real estate gave the tribal authority a wherewithal to adjust inequalities and dissatisfactions among the more ambitious tribal members. Naturally, as the Aztec peoples were less highly developed socially than ourselves, they did not attain our own elaborate system of rewards and adjustments by means of federal, state and municipal appointments.[8]

A powerful Aztec tribe had another source of support: tribute. The levies often consisted of foodstuffs and raw materials, both native and foreign to the Valley, and also included warriors' and priests' costumes, mantles, pottery and other articles of craftsmanship. Distributed throughout the community these goods enriched both communal enterprise and private convenience.[9] (See Plates 62, bottom right; 64.)

Manufacture and trade were beginning to play an important part in Aztec economy, although not to the extent of societies which have developed media of exchange, like

565 463 (18) such as masons, carpenters, feather-workers and metal-workers

18. Zurita, p. 142.

(19). Although it is not made clear to us whether this tribute of

19. Oviedo, III, p. 535.

"merchants and artisans" was in relation to the rulers of the whole Tenochca group or only to the lords of the corresponding calpulli, it is very possible that in this tributation there occurred the same thing which happened to the workers which we have seen: they paid both. All this makes us think that the stratification which existed among the Tenochcas was not in layers of workers, artisans, merchants, and chiefs, but rather between the chiefs and the governed, be they laborers, artisans, or merchants. This conception is reinforced by our being told that the pochteca tlatoque (a term translated as the lords of the pochteca, that is, merchants) did not go on the trips of the merchants, but that they entrusted their "merchandise" to them that they sell it for them and later they divided the profit (20); which is

20. Sahagún, I., p. 351.

to say that within the group, differences of occupation were present which resulted in a stratification between people who worked as merchants and people who, because of another class of work (directive, as chiefs, as "lords") received part of the benefits obtained through "marketing." It is told of the artisans of Texcoco that the nobles also learned crafts, but only as a distraction (21). Assuredly a similar

21. Pomar, p. 38.

situation existed in Tenochtitlan and almost certainly corresponded to the division between pillis and macehuales, in groups of artisans.

565 428 It is advisable to make further clarifications with respect to the division between tributary macehuales and tribute-exacting pillis. One source tells us that although the lords had many women, they considered only one of them the most important and the children she bore [were considered] as inheritors of their position (22). Although the

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22. Pomar, p. 25. Actually Pomar gives contradictory information: "they always leave as heir to their estate the son of the legitimate wife" and "to the most virtuous, although he be the youngest... (or) of the other women." Nevertheless, paternal inheritance remains as the fact common to all.

information does not refer to Tenochtitlan, certainly it was valid also for the lords of that place, and Zurita does confirm it in part (23).

23. Zurita, p. 90.

Another author tells us that in cases of rebellion by the lords, they were removed and the rulers placed a near relative, such as a brother, in his place, but not his son (24). It resulted from this that the legal

24. Mendieta, History [Historia], p. 154.

heir of the calpulli chief was in these cases a relative of the predecessor, although not necessarily his son: possibly it can be said that the relatives of the chief of the calpulli were lords, that they could potentially become tribute-exactors like the chiefs if they ever achieved this category, and that not all did achieve it. However, the wives and children of the calpulli chief certainly had the benefit of the tribute paid to him (25).

25. Muñoz Camargo, with respect to Tlaxcalla tells us that "the family estates [mayorazgos] entailed by them (the pillis), are never divided, and they (this must refer to the macehuales) were obliged only to support all the relatives and brothers of that family" (p. 8).

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We are told that there were in the wards other persons of authority besides the chief, such as the telpochtlato (26) or director of the school

26. Torquemada, II, p. 220.

of each ward, who certainly lived from tribute. We are told on many occasions of tribute for the temples (see page 42) thus making some

423 be confirmed when we are told that except for the lands sold by lords to merchants, all were, or had been lands of the calpullis (29). The

> 29. "The lands which they possessed belonged to the town, were common, or belonged to the wards which they had parceled out, and some of the lords sold part of these lands to private individuals and those who bought them left them to their descendents. However, in the beginning they were lands of the villages which they call altepetlalli, or lands of the wards, which they called calpullalli" (Annunciation [Anunciación], p. 238).

possibility should be kept in mind, however, although it is almost impossible, that these lands were separated from the whole of the lands of their calpulli. They would be, in one or the other case, the flesh-colored lands, those of the lords.

Let us examine now the data on other lands, the so-called tecpantlalli; we find this term in the sources, which can be translated as lands of the tecpan. We have already seen that Tecpancaltitlan was one of the tlaxilacallis of Tenochtitlan (see p. 33) which leads us to believe that these lands belonged to this tlaxilacalli.
423 In the tecpantlalli lived the tecpanpouhque or tecpantlaca (30),
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> 30. Torquemada, II, p. 546; Ixtlilxóchitl, II, p. 170.

terms which can be respectively translated as "those counted in the tecpan" and "the people of the Tecpan," that is, a determined group of people. They were lands and peoples of the ruler (31), and

> 31. Torquemada, II, p. 546.

on the land there lived "people who were very esteemed and close to the house of the king, and whom the common esteemed more" (32). All this leads us to believe that these lands were of a group to

> 32. Torquemada, II, p. 546.

which "the king" (viz. the tlatoani) belonged. These lands "passed from fathers to sons... and if anyone died or went off to other parts, his house and his land remained, and by order of the king or of the ruler, the others of the district put another in his place," and they could not sell them (33), and the tecpantlacas worked them personally

33. Torquemada, II, p. 546.

(34). These data indicate to us, first, that among them obtained

34. Ixtlilxóchitl, II, p. 170.

the same situation as obtained among the lands of the calpullis and tlaxilacallis: distribution in family parcels and inheritance of use, and that they had a certain unity with respect to a group which used them: its "faction" [*parcialidad*]. All this makes us think that the tecpantlalli were of a calpulli or of a tlaxilacalli, the calpulli or the tlaxilacalli to which the tlatoani belonged.

/p. 42/ We are not told only of the tecpantlalli, but also of the tecpillalli, which "were almost like what they called pillalli" (35).

35. Ixtlilxóchitl, II, p. 170.

Tecpillalli is translated as lands of the pilli or of the pillis of the tecpan, which explains to us what sort of lands they were that received this name: the lands destined for the sustenance of the pillis of the tecpan—the nobles of the calpulli of the tlatoani—, lands which possibly formed a unit with the others of the tecpan, perhaps inlike manner to the lands of other calpullis divided between macehuales and pillis.

There were lands and cultivated plots for the temples (36). These

36. Román y Zamora, I, p. 120; Zurita, p. 176.

surely were of two types since on the one hand there was "a lot in each ward" (37), that is, they were certainly distributed by calpullis.

37. Ramirez Codex [Códice Ramírez], p. 79.

11:Diaz T,H-5 (1519-1520) 1910
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into such a city; and for the many times He has saved me from danger of death, as will be seen later on, I give Him sincere thanks, and in that He has preserved me to write about it, although I cannot do it as fully as is fitting or the subject needs. Let us make no words about it, for deeds are the best witnesses to what I say here and elsewhere.

Let us return to our entry to Mexico. They took us to lodge in some large houses, where there were apartments for all of us, for they had belonged to the father of the Great Montezuma, who was named Axayaca, and at that time Montezuma kept there the great oratories for his idols, and a secret chamber where he kept bars and jewels of gold, which was the treasure that he had inherited from his father Axayaca, and he never disturbed it. They took us to lodge in that house, because they called us Teules, and took us for such, so that we should be with the Idols or Teules which were kept there. However, for one reason or another, it was there they took us, where there were great halls and chambers canopied with the cloth of the country for our Captain, and for every one of us beds of matting with canopies above, and no better bed is given, however great the chief may be, for they are not used. And all these palaces were [coated] with shining cement and swept and garlanded.

As soon as we arrived and entered into the great court, the Great Montezuma took our Captain by the hand, for he was there awaiting him, and led him to the apartment and saloon where he was to lodge, which was very richly adorned according to their usage, and he had at hand a very rich necklace made of golden crabs, a marvellous piece of work, and Montezuma himself placed it round the neck of our Captain Cortés, and greatly astonished his [own] Captains by the great honour that he was bestowing on him. When the necklace had been

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however, was not changed, and no hereditary rights of property were called into existence in favor of the chiefs or their descendants.[33]

For nearly a century after the first settlement of the Mexicans

[33] No mention is made of any tax or tribute gathered for official purposes among the Mexicans until under the last Montezuma, when it is generally admitted, as Gomara says: "That all tributed to the chief of Mexico" ("Conq. de Méjico," p. 345, Vedia, I). Without accepting the views expressed by Robertson ("History of America." Book VII, p. 291. Vol. III, 9th Edition, 1800), who ascribes to the influence of Montezuma a change in the plan of government of the Mexican tribe,—it still appears but natural that as long as the tribe was weak in numbers and resources, the original or typical form of communal institutions prevailed, whereas with increased population and consequent increase of governmental labor the members of the tribe were compelled to provide for the maintenance of their officers and their families. The first step was to cultivate such patches of land for them as they held being members of some calpulli. These lands were the "pillali," commonly treated of as "patrimonial estates." Torquemada, however, says (Lib. XIV, cap. VII, p. 546): "Another kind of lands they called pillali, or, so to say: Lands of Knights ("hidalgos") or nobles. Of these there were two kinds. In the first case the land was inherited with the nobility, and in the other, the chief gave lands to such as had achieved distinction and valor in war, and were ennobled therefor. To these the chief gave lands for their sustenance, but they could not hold renters ("terrazgueros") but might sell to other chiefs, as if the conditional gift from the chief had not existed: and neither of these two classes could dispose of their tracts to any macehual (common man—perhaps from "maitl"—hand, and "cenalli"—shade,—the hand of some one who gives protection or shade), for in that case they lost them, and the chief entered in their possession. *and they were applied to the calpulli in whose area they were located, in order that the said cluster might pay tribute according to the quantity of land contained;*—also, if any one of them died without heirs, the chief inherited" Herrera (Dec. III, lib. IV, cap. XVII, p. 138). "These were lands which went with the Lordship, and which they called lands of the Lordship, and of these the Lords could not dispose, but rented them as they might and the *rents were used in the house of the King, because there, besides all the principals, also ate the travellers, and the paupers,* for which service the Kings were much honored and obeyed. What these rents did not furnish, was supplied by their patrimonial estates." Veytia (Lib. III, cap. VI, p. 195). "For the present we shall but say, that in each pueblo and place there was a tract of land of best quality, which was of the Kings or Lord of the estate . . . . . For the sowing and working of these lands the calpixque, an officer of the republic (state) in each pueblo, daily designated the common people who had to work them, and all the fruit belong integrally to the chief for *the maintenance of his house.*" Ixtlilxochitl (Hist. des Chichim. cap. XXXV, pp. 242, 243 and 244). Bustamante ("Tezcoco en los Ultimos Tiempos, etc." Part III, cap. V, p. 234, etc.). Oviedo ("Hist. gen. y nat." lib. XXXIII, cap. LI, p. 536, of 3d vol.) Now we have already established, that individual tenure of the soil was unknown, it is further proved that the offices were non-hereditary, we cannot fail, therefore, to recognize. 1°. In the "pillali" of Torquemada the original "chinampa" held by chiefs as members of a kinship.

2°. In the tracts of Herrera and Veytia "official lands," specially reserved for the grants of official houses and their occupants. These lands went "with the office."

No date can be assigned to the introduction of this new feature among the Mexicans but we cannot help being struck by the fact that the Tezcucan chroniclers make special mention of it, connecting it with the time when Nezahualcoyotl became chief of Tescoco (See Ixtlilxochitl "Hist. des Chichim." cap. XXXV. Veytia, Lib. III, cap. VI, p. 196. Bustamante, Part III, cap. V). The connection is *implied* rather than *expressed*, and but *excuses* the suggestion: that such a change might have occurred about the close of the fourteenth and beginning of the fifteenth centuries. Of course we allude here to the Mexicans alone, and not to the tribes of the mainland.

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child),[99] and those who cultivated them carried the appellation of "tlalmaitl"—hands of the soil.[100]

423 The "tlalmilpa," whether held by chiefs or by ordinary members of the kin ("macehuales") were, therefore, the only tracts of land possessed for use by individuals in ancient Mexico. They were so far distinguished from the "tecpantlalli" and "tlatocatlalli" in their mode of tenure as, whereas the latter two were dependent

[99] It is just the "pillali" which oppose the greatest difficulties to this investigation, and to a clear conception of the mode of tenure of lands in ancient Mexico. They are generally represented (whenever mentioned), as private domains of the chiefs. Torquemada (Lib. XIV, pp. 345 and 346), distinguishes two kinds of "pillali." The first one he says might be sold,—but he places the restriction upon them, that such as held lands through conquest ("sujecion") or through gift ("merced") of the chief, had to go to the descendants, as majorat; and if they died without heirs, the King, or Lord became such, and they were incorporated into his royal Estates." The other kind was not transmissible at all. Clavigero (Lib. XVII, cap. XIV). We notice here a confusion between official tracts and such lots of the "calpulli" as pertained to the chief's family in consequence of their membership of the Kin. Also between "tribute-lots" and the official tracts, of conquered tribes. Torquemada acknowledges, that the "pillali," upon the death of the family, were incorporated in the calpulli to which that family belonged, "in order that they might pay tribute." This ought to define their true position and nature. [428]

[100] From "tlalli" soil, and "maitl" hand. Hands of the soil. Molina (Parte IIa, p. 134), has: "tlalmaitl"—"labrador, ò gañan." This name is given in distinction of the "macehuales" or people working the soil in general. The tlalmàites are identical with the "mayeques." See Zurita (p. 224), "tlalmaites or mayeques, which signifies tillers of the soil of others . . . ." He distinguishes them plainly from the "teccallec" which are the "tecpanpouhque" or "tecpantlaca" formerly mentioned as attending to a class of official lands (p. 221, Zurita). Herrera (Dec. III, lib. IV, cap. XVII, p. 136). "These mayeques could not go from one tract to another, neither leave those which they cultivated, and they paid a rent to its masters according as they agreed upon ("en lo que se concertaban") in what they raised. They paid tribute to nobody else but the master of the land." This tends to show that there existed, not an established obligation, a serfdom, but a voluntary contract, that the "tlalmaites" were not serfs, but simply renters. Torquemada (Lib. XIV, cap. VII. p. 343), " . . . . those that were knights ("caballeros") and descendants of the families of the Kings, and Lords, had their particular lands and their rentals, where many of them held renters ("terrazgueros") which served them, tilled the crops and served them in their houses. These lands were called pillali or "land of nobles and knights." We prefer the etymology "piltontli" "niño ò niña, muchacho ó muchacha" (Molina, II, p. 82), or "piltzintli" niño ó niña" therefore lands of the children,—to the derivation from "pilli." The title of chief was "tecuhtli," and the word "pilli" substituted for it is certainly but in connection with the occupation of a particular place of office, and not a title itself. Bustamante ("Tenoco, etc.," p. 230. "The sovereigns as well as the inferior Lords and other principals had their own patrimonial estates, and in them their mayeques or Tlalmayes, what these gave of rent were tributes of the Lord," Id. pp. 233 and 234). [427] [564]

The "tlalmaites" appear to have been free from other tributes, and free from communal labor outside of the "pillali" (Bustamante, p. 223. Herrera, Dec. III, lib. IV, cap. XVII, p. 136). It is not very clear, however, whether this applies simply to the conquering tribe alone, or also to the tlalmaites of conquered tribes, as towards the tribute due by that tribe to their conquerors. The detailed relations between the two are yet somewhat obscure and confuse in some points. [444]

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423 from a certain office, the incumbent of which changed at each election, the "tlalmilli" was assigned to a certain family, and its possession, therefore, connected with *customs of inheritance*.[101]

428 Being thus led to investigate the customs of Inheritance of the ancient Mexicans, we have to premise here, that the personal effects of a deceased can be but slightly considered. The rule was in general, that whatever a man held, descended to his offspring.[102] Among most of the northern Indians a larger cluster participated.[103] In conformity with the organization of Society based upon kin, when in the first stage of its development, the kindred group inherited, and the common ancestor of this kin being considered a female, it follows that if a man died, not his children, still less his wife, but his mother's descendants, that is: his brothers, sisters, in fact the entire consanguine relationship from which he derived on his mother's side, were his heirs.[104] Such may have been the case even among the Muysca of New-

[101] Ramirez de Fuenleal ("Letter," see "Recueil. etc.." p. 233). "De l' ordre de succession. etc., etc." Simancas MSS. (Id. p. 221). Herrera (Dec. III. lib. IV. cap. XVII. p. 138). Torquemada (Lib. XIV, cap. VII. p. 545). Clavigero (Lib. VII. cap. XIV). These authors mention only the "pillali." but Motolinia (Trat. II, cap. V, pp. 120 and 121), and Gomara (Vedia I, p. 434), apply it in general, and the latter is even very positive about the tributaries ("los pecheros.") Also Zurita (p. 56), although contradictory on p. 51).

[102] Motolinia (Tratado II, cap. V. p. 120), "but they left their houses and lands to their children . . ." Gomara (p. 434). "Es costumbre de pecheros que el hijo mayor herede al padre en toda la hacienda raiz y mueble, y que tenga y mantenga todos los hermanos y sobrinos, con tal que hagan ellos lo que el les mandare." Clavigero (Lib. VII, cap. XIII). "In Mexico and nearly the entire realm, the royal family excepted as already told, the sons succeeded to the father's rights,—and if there were no sons, then the brothers, and the brothers sons inherited." Bustamante ("Tezcoco, etc.." p. 319). In all these cases, Bustamante only speaks of chiefs; but the quotations from Motolinia and Gomara directly apply to the people in general.

[103] Mr. L. H. Morgan has investigated the customs of inheritance, not only among the northern Indians, but also among the pueblo Indians of New Mexico. He establishes the fact, that the "kinship" or "Gens," which we may justly consider as the unit of organization in American Aboriginal Society, participated in the property of the deceased. He proves it among the Iroquois ("Ancient Society," Part II, cap. II. pp. 73 and 76). Wyandottes, Id. cap. VII, p. 153. Missouri-tribes, p. 155. Winnebagoes, p. 157. Mandans, p. 158. Minnitarees, p. 159. Creeks, p. 161. Choctas, p. 162. Chickasas, p. 163. Ojibwas, p. 167; also Potowattomies and Crees, Miamis, p. 168. Shawnees, p. 169. Sauks, Foxes and Menominies, p. 170. Delawares, p. 172. Munsees and Mohegans, p. 173. Finally, the pueblo Indians of New Mexico are shown to have, if not the identical at least a similar mode of inheritance. It would be easy to secure further evidence, from South America also.

[104] "Ancient Society" (Part II, cap. II, p. 73. Part IV, cap. I, pp. 328, 330, 331, 336 and 337).

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Granada.[105] It was different, however, in Mexico, where we meet with traces of a decided progress. Not only had descent been changed to the male line,[106] but heirship was limited, to the exclusion of the kin and of the agnates themselves, to the children of the male sex.[107] Whatever personal effects a father left, which were not offered up in sacrifice at the ceremonies of his funeral,[108] they were distributed among his male offsprings, and if there were none, they went to his brothers. -Females held nothing whatever, beyond their wearing apparel and some few ornaments for personal use.

The "tlalmilli" itself, at the demise of a father, went to his oldest son, with the obligation to improve it for the benefit of the entire family until the other children had been disposed of by marriage.[109] But the other males could apply to the chief of the calpulli for a "tlalmilli" of their own:[110] the females went with

[105] Gomara ("Historia de las Indias," Vedia I, p. 201). Garcia ("Origen de los Indios," Lib. IV, cap. 23, p. 247). Piedrahita (Parte I, lib. I, cap. 5, p. 27). Joaquin Acosta ("Compendio historico del Descubrimiento y Colonisazion de la Nueva-Granada," Cap. XI, p. 201). Ternaux-Compans ("L'ancien Cundinamarca." pp. 21 and 38).

[106] Motolinia (Trat. II, cap. V, p. 120). Gomara (p. 434). Clavigero (Lib. VII, cap. XIII). Zurita (pp. 12 and 43).

[107] Letter of Motolinia and Diego d'Olarte, to Don Luis de Velasco, Cholula, 27 Aug., 1554 ("Recueil, etc., etc.," p. 407). "The daughters did not inherit, it was the principal, wife's son . . . ." Besides, nearly every author designates but a son, or sons,—as the heirs. There is no mention made of daughters at all. In Tlaxcalian, it is also expressly mentioned that the daughters did not inherit (Torquemada, Lib. XI, cap. XXII, p. 348). In general, the position of woman in ancient Mexico was a very inferior one, and but little above that which it occupies among Indians in general. (Compare the description of Gomara, p. 440. Vedia I, with those of Sahagun. Lib. X, cap. I, p. 1; cap. XIII, pp. 30, 31, 32 and 33. The fact is generally conceded). H. H. Bancroft, "Native Races." Vol. II, Cap. VI, p. 224, etc.

[108] Motolinia (Trat. II, cap. V, p. 120). Torquemada (Lib. XIII, cap. XLII to XLVIII, pp. 513 to 529). Acosta (Lib. V, cap. VIII, pp. 320, 321 and 322). Gomara (pp. 436 and 437. Vedia, I). Mendieta (Lib. II, cap. XL., pp. 102 and 103). Clavigero (Lib. VI, cap. XXXIX. "They burnt the clothes, arrows, and a portion of the household utensils . . . . .")

[109] Motolinia (Trat. II, cap. V, p. 120), "el cual hacer de testamento no se acostumbraba en esta tierra, sino que dejaban las casas y heredades á sus hijos, y el mayor, si era hombre, lo poseia y tenia cuidado de sus hermanos y hermanas, y yendo los hermanos creciendo y casándose, el hermano mayor partia con ellos segun tenia; y si los hijos eran por casar, entrábanse en la hacienda los mismos hermanos, digo en las heredades, y de ellas mantenian á sus sobrinos y de la otra hacienda." Gomara ("Conq. de Méjico," p. 434). "It is customary among tributary classes that the oldest son shall inherit the father's property, real and personal, and shall maintain and support all the brothers and nephews, provided they do what he commands them. The reason why they do not partition the estates is in order not to decrease it through such a partition . . . . ." Simancas M. S. S ("Recueil, etc., etc.," p. 224). "Relative to the calpulalli . . . . the sons mostly inherited."

[110] Zurita (p. 55). "He who has no land applies to the chief of the tribe (calpulli), who, upon the advice of the other old men, assigns to him a tract suitable for his wants, and corresponding to his abilities and to his strength." Herrera (Dec. III, lib. IV, cap. XV, p. 135).

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428 their husbands. Single-blessedness, among the Mexicans, appears [584 784] to have occurred only in case of religious vows, and in which case they fell back for subsistence, upon the part allotted to worship, or in case of great infirmities, for which the calpulli provided.[111] No mention is made of the widow participating in the products of the "tlalmilli," still it is presumable that she was one of those whom the oldest son had to support. There are indications that the [587] widow could remarry, in which case her husband, of course, provided for her.[112]

428 764 The customs of Inheritance, as above reported, were the same with chiefs as well as with the ordinary members of the tribe. Of the personal effects very little remained since, the higher the office was which the deceased had held, the more display was made at his cremation, and consequently the more of his dresses, weapons and ornaments, were burnt with the body.[113] Of lands, the chiefs 428 only held each their "tlalmilli" in the usual way, as members of their kin, whereas the other "official" lots went to the new incumbents of the offices. It should always be borne in mind, that none of these offices were hereditary themselves. Still, a certain "right of succession" is generally admitted as having existed. Thus, with the Tezcucans, the office of head war-chief might pass from father to son,[114] at Mexico from brother to brother, and from uncle to nephew.[115] This might, eventually, have tended to *perpetuate* the

[793] [111] Such unmarried females were the "nuns" frequently mentioned by the old writers. We shall have occasion to investigate the point in our paper on "the ancient Mexican priesthood." As attendants to worship, they participated in the tributes furnished towards it by each calpulli, of which we have spoken.

[112] Oviedo ("Hist. gen. y nat. de Indias," Lib. XXXIII, cap. LIV. pp. 347-353), reports a conversation with Don Juan Cano, held at San Domingo, 8 of Sept., 1544, in which the said Cano asserts that he married Montezuma's daughter, widow of Quauhtemotzin. There is an indefinite report that, when she married Quauhtemotzin, she was already the widow of Cuitlahuatzin. Intermarriage of widowers and widows took place in Yucatan, but without any ceremony. See Landa, "Relacion de las cosas de Yucatan." Paris, 1864, by Mr. Brasseur de Bourbourg, p. 142, §XXV.

[113] See note No. 108, the same quotations apply to this case. Besides, we refer to the numerous descriptions of funeral rites, or rather cremations, contained, for instance, in Durán, Tezozomoc, Ixtlilxochitl, Veytia, and in Bustamantes "Tezcoco en los Ultimos Tiempos, etc." Also to the cremation of the head chief of Michhuacan, as related by Mendieta (Lib. II, cap. XLI. pp. 164-167). We abstain from special quotations, the subject being amply discussed in all the authors just mentioned.

[114] Zurita (p. 19). Gomara (Vedia I, p. 434). Torquemada (Lib. IX, cap. IV, p. 477. Lib. XI, cap. 27, p. 536, etc. etc.).

[115] This fact is too amply proven to need special references. We reserve it for final discussion in our proposed paper on the chiefs of the Mexicans, and the duties, powers and functions of their office.

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office in the *family*, and with it also the possession of certain lands, 428
attached to that officer's functions and duties. But it is quite certain too that this stage of development had not yet been reached by any of the tribes of Mexico at the time of its conquest by the Spaniards. The principal idea had not yet been developed, namely, that of the *domain*, which, in eastern countries at least, gradually segregated into individually hereditary tenures and ownerships.

There was consequently, at the time when the Spaniards first 642
came into contact with the Mexican aborigines, no established feudal system among the Indians of Mexico. Based exclusively upon kin, aboriginal society then presented to the first Europeans who witnessed it a strange and partly dazzling, partly repulsive; at all events a bewildering, aspect. It is not devoid of interest, and it is even important for us to consider what were the effects of this contact of a people imbued with the principles of medieval feudality with tribes still adhering to far more primitive ideas, upon the latter's mode of tenure and distribution of their lands.

The ostensible basis, on which the Spaniards established a 648
claim to any parts of America whatever, is expressed in the Bull of Pope Alexander VI, executed at Rome on the fourth day of May, 1493. By this act of the Holy See the kings of Spain (Ferdinand and Isabella), in consideration of their devotion to the Catholic religion, and of their zeal in propagating the Christian faith even over the remotest parts of the earth's surface, are made and created absolute possessors, for themselves, their heirs and successors, of all the lands already discovered and still to discover by them or their agents in the new world. The conditions accompanying this grant were that they "manage to send to the said mainlands and islands good men, fearing God, learned, well taught and expert, for to instruct their aforesaid inhabitants and natives in the Catholic faith, and to teach them good manners, with all due diligence."[116] This title, although it partakes of the nature of a

[116] Martin Fernandez de Navarrete ("Coleccion de los Viages y Descubrimientos que hicieron por mar los Españoles desde Fines del Siglo XV," Madrid, 1825. Tom. IIo, pp. 23-25). "Et insuper mandamus vobis in virtute sanctæ obedientiæ, est (sicut pollicemini et non dubitamus pro vestra maxima devotione et Regia magnanimitate vos esse facturos) ad terras firmas et insulas prædictas viros probos, et Deum timentes, doctos, peritos et expertos ad instruendum incolas et habitatores prædictos in Fide Catholica, et in bonis moribus imbuendam destinare debeatis, omnem debitam diligentiam in præmissis adhibentes." Mendieta ("Hist. Eccles. Ind.," Lib. I, cap. III, pp. 20 and 22). Herrera (Dec. I, lib. II, cap. IV, p. 41). Gomara ("Historia de las Indias," Vedia I, pp. 168 and 169). Oviedo (Lib. II, cap. VIII).